

In the Drawings

No changes are made herein to the drawings, which are believed to be in suitable form for allowance.

**REMARKS**

The examiner has rejected claims 8-20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,605,139 to Dacar.

Independent claim 8 has been amended herein to include the limitation of an aperture being cut in the wall before the electrical closure apparatus is installed therein.

The device in Dacar does not disclose such an arrangement as herein amended along with the other limitations of Claim 8. Specifically, Dacar teaches and shows a device that is installed to a stud within the wall. Subsequently the drywall board is applied over the stud and pressed against the studs so that two spikes 40, 42 pierce all the way through the drywall. As stated in specification of Dacar (Column 4: Lines 11-19): "Spikes 40 and 42 . . . extend outwardly from the free edge of the respective endwalls a distance which is slightly greater than the thickness of the wallboard sheets, indicated at 44 in FIGS. 2 and 3, which are to be mounted on the wooden framework. Spikes 40 and 42 are preferably relatively thin, nail-like elements having a relatively sharp point to enable them to easily penetrate the wallboard sheet."

It is clear that Dacar teaches and discloses installing the device against a stud in the wall *before* the drywall is applied. The drywall is pressed against the spikes 40 and 42, which are secured to wall studs. In addition, the aperture in the drywall must be cut while the device is installed inside the wall, thereby greatly increasing the chance that the

device will be damaged.

Claims 9-15 depend from currently amended Claim 8 and provide further limitations. It is axiomatic that if the broader independent claim is not anticipated or made obvious in light of the prior art, then neither are the dependent claims that append therefrom.

Independent claim 16 has been amended herein to include the limitation of an aperture being cut in the wall before the electrical closure apparatus is installed therein.

The device in Dacar does not disclose such an arrangement as herein amended along with the other limitations of Claim 16. Specifically, Dacar teaches and shows a device that is installed to a stud within the wall. Subsequently the drywall board is applied over the stud and pressed against the studs so that two spikes 40, 42 pierce all the way through the drywall. As stated in specification of Dacar (Column 4: Lines 11-19): "Spikes 40 and 42 . . . extend outwardly from the free edge of the respective endwalls a distance which is slightly greater than the thickness of the wallboard sheets, indicated at 44 in FIGS. 2 and 3, which are to be mounted on the wooden framework. Spikes 40 and 42 are preferably relatively thin, nail-like elements having a relatively sharp point to enable them to easily penetrate the wallboard sheet."

It is clear that Dacar teaches and discloses installing the device against a stud in the wall *before* the drywall is applied. The drywall is pressed against the spikes 40 and 42, which are secured to wall studs. In addition, the aperture in the drywall must be cut while

the device is installed inside the wall, thereby greatly increasing the chance that the device will be damaged.

Claims 17-20 depend from currently amended Claim 16 and provide further limitations. It is axiomatic that if the broader independent claim is not anticipated or made obvious in light of the prior art, then neither are the dependent claims that append therefrom.

Claims 1-5 and 7 are rejected under 35 U.S.C. § 103(a) as being obvious in light of U.S. Patent No. 2,775,812 to Mohr.

Independent claim 1 has been amended herein to include the limitation of an aperture being cut in the wall before the electrical closure apparatus is installed therein.

The device in Mohr does not disclose such an arrangement as herein amended along with the other limitations of Claim 1. Specifically, Mohr teaches and shows a device that is installed to a stud within the wall. Subsequently the drywall board is applied over the stud and pressed against the studs so that blade portions 25 pierce all the way through the drywall. As stated in the specification of Mohr (Column 3: Lines 25-31): "It is essential that the blade portion 25 of guiding member 23 be of a length somewhat greater than the thickness of usual types of wallboard encountered in the building trade and as wallboard usually varies in thickness from about 3/8ths to 5/8ths of an inch I have found that a length of from 3/4ths to one inch is greatly satisfactory."

It is clear that Mohr teaches and discloses installing the device against a stud in the

wall *before* the drywall is applied. The drywall is pressed against blade portions 25, which are secured to wall studs. In addition, the aperture in the drywall must be cut while the device is installed inside the wall, thereby greatly increasing the chance that the device will be damaged.


Claims 2-5 and 7 depend from currently amended Claim 1 and provide further limitations. It is axiomatic that if the broader independent claim is not anticipated or made obvious in light of the prior art, then neither are the dependent claims that append therefrom.

Upon entrance of this amendment, claims 1-5, 7-20 remain in the application. Claim 6 has been previously canceled. Claims 1, 8, and 16 have been amended. No new claims have been added.

The Office Action of April 6, 2006 has been reviewed and carefully considered. It is respectfully submitted that the present Response traverses or overcomes all bases of rejection, the Application is now in suitable form for allowance, and the claims as set forth are neither taught, suggested, nor rendered obvious by the references cited by the examiner.

The examiner is invited to contact Applicant's attorney at the number below if there are any questions.

Respectfully submitted,  
**Thomas & Betts International, Inc.**

  
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